

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2019 FEB 22 AM 9:02

UNITED STATES OF AMERICA

v.

TANNER LANE THOMASON

DEPUTY CLERK 

5-19CR0032-C

NO. _____

FACTUAL RESUME

In support of Tanner Lane Thomason's plea of guilty to the offense in Count One of the Information, Thomason, the defendant, David M. Guinn, Jr., the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Superseding Information, charging a violation of 18 U.S.C. § 4, that is, Misprision of Felony, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That a federal felony was committed, as charged in Count One of the Information;
- Second.* That the defendant had knowledge of the commission of the felony;
- Third.* That the defendant failed to notify an authority as soon as possible. An "authority" includes a federal judge or some other federal civil or military authority, such as a federal grand jury, Secret Service or FBI agent; and
- Fourth.* That the defendant did an affirmative act, as charged, to conceal the

¹ Fifth Circuit Pattern Jury Instruction 2.06 (5th Cir. 2015).

crime.

STIPULATED FACTS

1. Tanner Lane Thomason, admits and agrees that from on or about May 15, 2018, to on or about August 28, 2018, in the Lubbock Division of the Northern District of Texas, and elsewhere, he, having knowledge of the actual commission of a felony cognizable by a court of the United States, to wit: False Statement During the Purchase of Firearms, did conceal the same by making false statements on a Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473 and having an unindicted co-conspirator do the same, and did not as soon as possible make known the felony to some judge and other person in civil and military authority under the United States. In violation of Title 18, United States Code, Section 4.

2. On August 6, 2018, agents with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) learned that Tanner Lane Thomason had been purchasing a large number of firearms and that the retail price of those firearms far exceeded his reported income. Records indicated that on April 24, 2018, Thomason had purchased two JnC Manufacturing, Model M2HB, .50 caliber belt-fed rifles, serial numbers 815648 and 815650, and had received those firearms from Sharp Shooters, 5220 Marsha Sharp Freeway, Lubbock, Texas, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, on May 15, 2018. The retail price of those JnC rifles showed to be about \$9,350.00 per rifle. A review of the ATF Form 4473 received from SharpShooters, dated May 15, 2018, for the transfer of the two JNC .50 caliber rifles that Thomason had purchased indicated Thomason answered "YES" to question 11A when

asked: “Are you the actual transferee/buyer of the firearm(s) listed on this form?”

Thompson signed the ATF Form 4473 under penalty of perjury and was advised, in writing, of the consequences of making a false statement on the form.

3. A photograph of a JnC Manufacturing, Model M2HB, .50 caliber belt-fed rifle is below:



4. On August 25, 2018, ATF agents interviewed Thomason. The agents asked Thomason where the two JnC .50 caliber rifles were and he replied that they were in Plains, Texas. Thomason later admitted that he had sold both rifles. Thomason produced receipts showing that he had sold the two JnC Manufacturing, Model M2HB, .50 caliber belt-fed rifles, serial numbers 815648 and 815650, on May 17, 2018, two days after he received them, to “Charlie Reyes” (later identified as Alfredo Salcido). Thomason said that “Reyes” had bought the two rifles for \$30,000; \$12,000 more than the price Thomason had paid for them.

5. Records showed that on May 17, 2018, Salcido and Munoz crossed from Mexico into the United States at the Bridge of the Americas at 0216 hours.

6. Records indicated that an associate of Thomason's (hereafter "Unindicted Co-Conspirator" or "UCC") purchased three JnC Manufacturing, Model M2HB, .50 caliber belt-fed rifles, serial numbers 8092001, 8092002, and 8092003, from SS Outfitters, 6045 E. State Road 114, Levelland, Texas, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, on June 27, 2018. On August 31, 2018, ATF agents interviewed Unindicted Co-Conspirator. UCC stated that Thomason had asked him to purchase the aforementioned three .50 caliber rifles so that Thomason could sell them. UCC stated that Thomason gave him the money for the three .50 caliber rifles and UCC then filled out the ATF Form 4473 for each one and obtained them from SS Outfitters. UCC stated that Thomason had told UCC that the three .50 caliber rifles were intended for Alfredo Salcido (known to Thomason as "Charlie Reyes") and Damian Munoz. Thomason paid UCC \$6,000.00 for purchasing the firearms in UCC's name. Thomason told UCC that he wanted the firearms placed in UCC's name because Thomason "didn't want a flag" on his name. Further investigation revealed that Thomason later sold the three JnC Manufacturing, Model M2HB, .50 caliber belt-fed rifles, serial numbers 8092001, 8092002, and 8092003, to Salcido and Munoz.

7. A review of the ATF Form 4473 received from SS Outfitters, dated June 27, 2018, for the transfer of the three JNC .50 caliber rifles that UCC had purchased showed that UCC answered "YES" to question 11A when asked "Are you the actual transferee/buyer of the firearm(s) listed on this form?" Thomason knew that UCC was

not the actual buyer of these firearms and that instead they had been purchased at Thomason's request to sell to Munoz and Salcido.

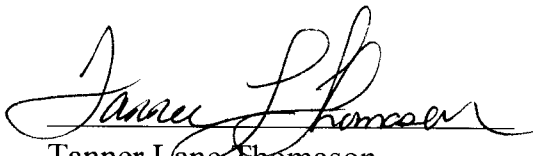
8. Records obtained from Facebook showed that on May 23, 2018, Salcido made a deal with Thomason to purchase three JnC Manufacturing, Model M2HB, .50 caliber belt-fed rifles for \$48,000; \$32,000 up front and \$16,000 upon delivery of the rifles. Records showed that Salcido and Munoz crossed from Mexico into the United States at the Bridge of the Americas on June 28, 2018, and July 17, 2018. Further investigation revealed that Salcido and Munoz obtained the three JnC Manufacturing, Model M2HB, .50 caliber belt-fed rifles, serial numbers 8092001, 8092002, and 8092003, from Thomason on June 28 and July 18, 2018.

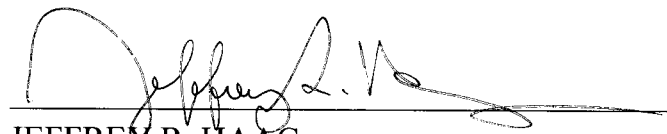
9. Thomason admits that a federal felony was committed, that is, False Statement During the Purchase of Firearms, in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2). Thomason admits that he had knowledge of the commission of that felony. Thomason admits that he failed to notify an authority as soon as possible. Thomason admits that he intentionally lied on the Form 4473 he completed on May 15, 2018, in that he knew that he was not the actual buyer of these firearms, rather, Salcido was the actual purchaser of these firearms, and that Thomason did so to conceal the crime. Thomason also admits that he had UCC falsely answer "YES" to question 11A of the Form 4473 for the purchase of the three JnC Manufacturing, Model M2HB, .50 caliber belt-fed rifles, serial numbers 8092001, 8092002, and 8092003, to conceal the crime.

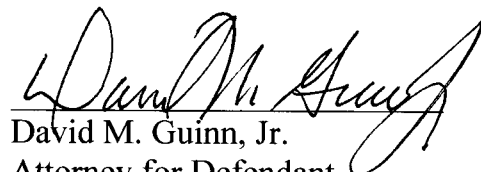
10. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Information.

AGREED TO AND STIPULATED on this 19th day of February, 2019.

ERIN NEALY COX
UNITED STATES ATTORNEY


Tanner Lane Thomason
Defendant


JEFFREY R. HAAG
Assistant United States Attorney
West Texas Branch Chief
Texas State Bar No. 24027064
1205 Texas Avenue, Suite 700
Lubbock, Texas 79401
Telephone: 806-472-7559
Facsimile: 806-472-7394
E-mail: jeffrey.haag@usdoj.gov


David M. Guinn, Jr.
Attorney for Defendant